



ID# 13517  
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## TARRANT COUNTY

OFFICE OF THE  
CRIMINAL DISTRICT ATTORNEY

TIM CURRY  
CRIMINAL DISTRICT ATTORNEY  
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JUSTICE CENTER  
401 W. BELKNAP  
FORT WORTH, TX 76196-0201

September 6, 1991

The Honorable Dan Morales  
Attorney General of Texas  
P.O. Box 12548  
Austin, Texas 78711

RO-185

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Opinion Committee

Attn: Madeline B. Johnson  
Chair, Opinion Committee

Re: Request for Opinion on  
Unlicensed Bail Bondsmen  
(V.T.C.S. Art. 2372p-3)

Dear General Morales:

The Sheriff of Tarrant County has previously posed two questions to our office. The first is:

Whether the Tarrant County Bail Bond Board has authority to require the Tarrant County Sheriff to accept bail bonds (for prisoners held in Tarrant County) tendered by out-of-county bondsmen who have already obtained the bond's approval by a Sheriff where the bondsman resides?

Prior to my becoming Chief of the Civil Division, this office issued its opinion, June 26, 1991, that the "Tarrant County Sheriff must accept bonds posted by a licensed bondsman in accordance with the Act (Art. 2372p-3) and the rules prescribed by the Tarrant County Bail Bond Board."

The Sheriff's second question is:

Whether the Tarrant County Sheriff is required to accept a bail bond from a bondsman who resides outside Tarrant County and is not licensed by any Texas County.

On July 29, 1991, this office issued its opinion that "to be eligible and qualified to write a bail bond for a case pending in a court in Tarrant County, the person acting as bondsman must be licensed by a Bail Bond Board in some Texas county (not necessarily Tarrant County) that is governed by Art. 2372p-3,

ACCOMPANIED BY ENCLOSURES —  
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regardless of the individual bondsman's county of residence. In the absence of such a license, the Tarrant County Sheriff has no lawful authority to accept the bail bondsman's bond."

Apparently, confusion and inconsistency prevail in these matters, from one metropolitan county to another. In the interest of uniformity under Art. 2372p-3, we hereby request your opinion on the questions posed.

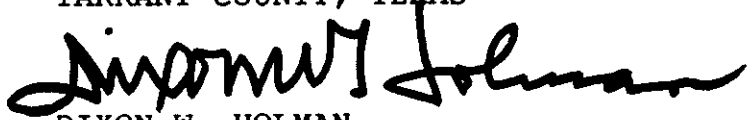
Interwoven in these matters is the view seemingly taken by some members of the Tarrant County Bail Bond Board that an out-of-county unlicensed bondsman is eligible to bond prisoners in Tarrant County as long as such bondsman's home-county sheriff approves the bond (under the Code of Criminal Procedure) and so notifies Tarrant County.

This office does not share that view, so we would appreciate having your opinion expressly address that point as well as the others mentioned.

For your convenience, copies of our June 26 and July 29, 1991, opinions are enclosed.

Sincerely,

TIM CURRY  
CRIMINAL DISTRICT ATTORNEY  
TARRANT COUNTY, TEXAS

  
DIXON W. HOLMAN  
Chief, Civil Division

DWH/gbb

Enclosures